

Utah Drug Offenses and Enhancements

Utah Code Annotated 58-37-8

November 30, 2013

Statute Utah Code Annotated	Offense or Enhancement	Penalty
§58-37-8(1)(b)(i)	Distribution of a Controlled Substance Schedule I,II, analog, gammahydroxybutyric acid First Conviction Second or Subsequent Conviction	2 nd Degree Felony 1 st Degree Felony
§58-37-8(1)(b)(ii)	Distribution of a Controlled Substance Schedule III or IV, marijuana, or a listed substance First Conviction Second or Subsequent Conviction	3 rd Degree Felony 2 nd Degree Felony
§58-37-8(2)(b)(i)	Possession of a Controlled Substance Marijuana, 100 lbs.	2 nd Degree Felony
§58-37-8(2)(b)(ii)	Possession of a Controlled Substance Schedule I,II, marijuana, if the amount is more than 16 ounces, but less than 100 pounds, or a controlled substance analog	3 rd Degree Felony
§58-37-8(2)(b)(iii)	Possession of a Controlled Substance Marijuana, more than one ounce but less than 16 ounces	Class A Misdemeanor
§58-37-8(2)(d)	Possession of a Controlled Substance Less than one ounce of marijuana, and all other listed or controlled substances not listed above First Conviction Second Conviction Third or Subsequent Conviction	Class B Misdemeanor Class A Misdemeanor 3 rd Degree Felony
§58-37-8(2)(c)	Possession of a Controlled Substance inside a correctional facility	One penalty degree greater The court shall also order an additional one year or 6 month sentence to run consecutively The Court may also order and additional indeterminate 5 year term
§58-37-8(4)(b)	Possession or Distribution of a Controlled Substance Applies only to a first degree felony penalty that is additionally enhanced because the offense occurred in a "drug free zone"	7 Years to Life (Mandatory prison)

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§58-37-8(4)(b)	Possession or Distribution of a Controlled Substance Applies only to a first degree felony penalty that is additionally enhanced because the offense occurred in a “drug free zone”	5 Years to Life (Mandatory prison)
§58-37-8(4)	“Drug Free Zone” enhancement	One degree more than the maximum penalty
§58-37-8(4)(xi)	Possession of a controlled substance in the presence of a person younger than 18 years of age	One degree more than the maximum penalty
§58-37-8(4)(d)	Possession or distribution of a controlled substance with the intent to transport or deliver the Controlled Substance inside a correctional facility	Additional one year consecutive sentence The court may order an additional consecutive indeterminate 5 year term
§58-37-8(2)(c)	Prior Conviction for Distribution of a Controlled Substance	One penalty level enhancement